

Message Text

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64

ACTION SCSE-00

INFO OCT-01 ARA-10 ISO-00 SCA-01 L-03 H-02 DHA-02 /019 W
----- 058282

R 161803Z DEEC 75

FM AMEMBASSY MEXICO
TO SECSTATE WASHDC 1867

UNCLAS MEXICO 11083

EO 11652: NA

TAGS: CASC, MX

SUBJECT: CASE REVIEW OF ALL AMERICAN PRISONERS IN MEXICO:
COMMISSIONED WORK

REF MEXICO 8585

1. TDY OFFICER SIMONSON RAISED WITH EMBASSY DEPARTMENT'S REQUEST FOR CLARIFICATION OF WHETHER COMMISSIONED WORK IS CONSIDERED A RIGHT OR A PRIVILEGE UNDER MEXICAN LAW, REFTEL REPORTED DISCUSSION WITH LIC. MARCIAL FFLORES REYES, SUBDIRECTOR OF PREVENCION SOCIAL, ON COMMISSIONED WORK, INCLUDING QUESTION OF RIGHT/PRIVILEGE (PARA 3).

2. ACCORDING TO EMB'S UNDERSTANDING COMMISSIONED WORK COUNTS FOR REDUCTION OF SENTENCE ONLY IF PRISONER MAINTAINS GOOD CONDUCT. IN THOSE PRISONS IN WHICH NO ADEQUATE WORK PROGRAM EXISTS OR WHERE THERE ARE INSUFFICIENT JOBS, IT IS NOT POSSIBLE TO ASSIGN ALL PRISONERS COMMISSIONED WORK.

THUS COMMISSIONED WORK APPARENTLY CAN BE CONSIDERED A RIGHT UNDER MEXICAN LAW ONLY IN VERY QUALIFIED TERMS - SUBJECT TO GOOD CONDUCT BY THE PRISONER AND AVAILABILITY OF JOBS.

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3. PRIVISIONS OF MEXICAN LAW GOVERNING COMMISSIONED WORK (LAW ESTABLISHING MINIMUM NORMS FOR SOCIAL REHABILITATION OF PRISONERS) DO NOT MENTION TERMS "RIGHT" OR "PRIVILEGE" BUT MAKE CLEAR THAT PRISONERS

WORK IS IMPORTANT PART OF TOTAL PROGRAM AIMED AT REHABILITATION AND REINTEGRATION INTO NORMAL LIFE. COPY FULL TEXT OF LAW AND COMMENTARIES (IN SPANISH) BEING POUCHEDE DEPT. INFORMAL TRANSLATTTION OF ARTICLES 10 AND 16 CONCERNING COMMISSIONED WORK ARE GIVEN BELOW.

ARTICLE 10. THE ASSIGNMENT OF INTERNEES TO WORK SHALL BE MADE TAKING INTO ACCOUNT THEIR DESIRE, VOCATIONS AND APTITUDE, HOW THE WORK WILL ASSIST THEM IN OBTAINING A JOB UPON RELEASE, THEIR CONDUCT AND THE POSSIBILITIES OF THE PRISON. WORK IN THE PRISONS SHALL BEORGANIZED THROUGH A STUDY OF THE LOCAL ECONOMY, ESPECIALLY IN THE OFFICIAL MARKET, SO AS TO FAVOR THE CORRESPONDENCE BETWEEN THE DEMANDS OF THIS AND THE PRISON PRODUCTION, WITH A VIEW TOWARD THE ECONOMIC SELF-SUFFICIENCY OF THE ESTABLISHMENT. TO SECURE THIS LAST EFFECT, A PLAN FOR WORK AND PRODUCTION SHALL BE

CONSTRUCTED AND SHALL BE SUBMITTED FOR THE APPROVAL

OF THE STATE GOVERNMENT AND, IN ACCORDANCE WITH THE RESPECTIVE CONVENTION, OF THE DIRECTORATE GENERAL OF COORDINATED SERVICES.

PRISONERS SHALL PAY FOR THEIR SUSTENANCE IN THE PRISON SO THAT THEY PERCEIVE THIS AS A RESULT OF THE WORK THEY DO. SUCH PAYMENT SHALL BE BASED ON DISCOUNTS

CORRESPONDING TO AN ADEQUATE PROPORTION OF THE REMUNERATION,
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A PROPORTION WHICH SHALL BE UNIFORM FOR ALL OF THE PRISONERS IN THE SAME ESTABLISHMENT. THE REST OF THE PRODUCT OF THE WORK
SHALL BE DISTRIBUTED IN THE FOLLOWING
MANNER: THIRTY PER CENT FOR THE PAYMENT OF DAMAGES (CASUED BY THE CRIME), THIRTY PERCENT FOR THE SUSTENANCE

OF THE ECONOMIC DEPENDENTS OF THE PRISONER, THIRTY PERCENT FOR THE CONSTITUTION OF A SAVINGS FUND OF THIS (THE PRISIONER?), AND TEN PERCENT FOR MINOR EXPENSES OF THE PRISONER. IF THE PRISONER WAS NOT SENTENCED TO PAY DAMAGES, OR THESE HAVE BEEN COVERED, OR IF THE DEPENDENTS OF THE PRISONER ARE NOT IN NEED, THE RESPECTIVE AMOUNTS SHALL BE APPLIED IN EQUAL PARTS TO THE (OTHER) MENTIONED PURPOSES, EXCEPT FOR THE LAST MENTIONED.

NO PRISONER MAY PERFORM FUNCTIONS OF AUTHORITY OR EXERCISE

WITHIN THE ESTABLISHMENT ANY EMPLOYMENT OR POSITION, EXCEPT IN THOSE INSTITUTIONS BASED, FOR THE PURPOSE OF RE-HABILITATION, UPON A REGIME OF SELF-GOVERNMENT.

ARTICLE 16. FOR EVERY TWO DAYS OF WORK, ONE DAY OF PRISON SHALL BE REMITTED, AS LONG AS THE PRISONER OBSERVES GOOD CONDUCT, PARTICIPATES REGULARLY IN THE EDUCATIONAL ACTIVITIES ORGANIZED WITHIN THE ESTABLISHMENT, AND OTHERWISSE DEMONSTRATES EFFECTIVE SOCIAL READAPTATION. THIS LAST SHALL BE, IN EVERY CASE, THE DETERMINING FACTOR FOR THE CONCESSION OR DENIAL OF PARTIAL REMISSION OF THE SENTENCE, WHICH MAY NOT BE BASED EXCLUSIVELY ON THE DAYS OF WORK, IN THE PARTICIPATION IN EDUCATIONAL ACTIVITIES AND IN THE GOOD CONDUCT OF THE CONVICT.

REMISSION SHALL FUNCTION INDEPENDENTLY OF PREPARATORY FREEDOM (LIBERTAD PREPARATORIA), PERIODS OF WHICH SHALL UNCLASSIFIED

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BE GOVERNED EXCLUSIVELY BY THE SPECIFIED PERTIENT NORMS.
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*** Current Handling Restrictions *** n/a

*** Current Classification *** UNCLASSIFIED

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 16 DEC 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975MEXICO11083
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: n/a
Errors: n/a
Film Number: D750437-0532
From: MEXICO
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19751288/aaaagvff.tel
Line Count: 161
Locator: TEXT ON MICROFILM, TEXT ON-LINE
Office: ACTION SCS
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 75 MEXICO 8585
Review Action: RELEASED, APPROVED
Review Authority: KelleyW0
Review Comment: n/a
Review Content Flags:
Review Date: 16 SEP 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <16 Sep 2003 by MorefiRH>; APPROVED <13 JAN 2004 by KelleyW0>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: <DBA CORRECTED> srp 971016
Subject: CASE REVIEW OF ALL AMERICAN PRISONERS IN MEXICO: COMMISSIONED WORK
TAGS: CASC, MX, US
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006